

Montana Water Court
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FILED
02/14/2023
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41S-0504-S-2022
Block, Nathaniel
2.00

IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
JUDITH RIVER BASIN (41S)
PRELIMINARY DECREE

CLAIMANTS: David Machler; Sheila J. Machler; Joel Frank
Machler & Lisa Lynn Werner Living Trust

CASE 41S-0504-S-2022
41S 101816-00
41S 152133-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

**MASTER'S REPORT
FINDINGS OF FACT**

1. On November 15, 2022, David Mark Machler, Sheila J. Machler, Joel Frank Machler & Lisa Lynn Werner Living Trust filed withdrawals for the above-captioned claims.

PRINCIPLES OF LAW

1. The Montana Water Court has the authority to determine the extent of all water rights in the state as they existed prior to July 1, 1973. *Fellows v. Saylor*, 2016 MT 45, ¶ 25, 382 Mont. 298, 367 P.3d 732; §§ 85-2-233, -102(12), MCA.

CONCLUSION OF LAW

1. Upon review of the case files and the documentation submitted by the claimant, the record is clear that the above-captioned claims should be dismissed. The intent to withdraw the claims was unambiguous and the claimants have filed documentation stating the same.

RECOMMENDATION

1. Upon review of the case file and the record in this case the above-captioned claims should be dismissed pursuant to the withdrawals.

Post Decree Abstracts of Water Right Claims are attached to this Master's Report for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

David Machler
Sheila J. Machler
PO Box 767
Lewistown, MT 59457-0767

Joel Frank Machler & Lisa Lynn Werner Living Trust
PO Box 767
Lewistown, MT 59457-0767

\\JUDGALH2OSRV\Data\vol\Share\WC-BASIN FOLDERS\41S TPD\CASES\CASE504\NB 41S-0504-S-2022 - MR - Withdrawal of Statements of Claims 1-26-2023 bw.docx

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 101816-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: DISMISSED

Owners:

DAVID (MARK) MACHLER
PO BOX 767
LEWISTOWN, MT 59457 0767

SHEILA J MACHLER
PO BOX 767
LEWISTOWN, MT 59457 0767

MACHLER JOEL FRANK & WERNER LISA LYNN LIVING TRUST
PO BOX 767
LEWISTOWN, MT 59457 0767

Priority Date:

Type of Historical Right:

Purpose (use): IRRIGATION

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF BEAVER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S

Water Right Number: 41S 152133-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: DISMISSED

Owners: DAVID (MARK) MACHLER
PO BOX 767
LEWISTOWN, MT 59457 0767

Priority Date:

Type of Historical Right:

Purpose (use): UNKNOWN

Purpose (use): UNKNOWN

Flow Rate:

Volume:

Source Name: BIG SPRING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.